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 UNDERWRITERS INSURANCE COMPANY, NORTH
 AMERICAN CAPACITY INSURANCE CO.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

NORTH AMERICAN CAPACITY
 INSURANCE COMPANY, as successor in
 interest to UNDERWRITERS INSURANCE
 COMPANY,

Plaintiffs,

v.

TURNER CONSTRUCTION COMPANY, a
 corporation; JAMES E. ROBERTS-OBAYASHI
 CORPORATION; WILLIAM LYONE HOMES,
 INC., a corporation, DAME CONSTRUCTION
 CO., INC., a corporation, GONSALVES &
 SANTUCCI, d/b/a CONCO CEMENT
 COMPANY,;

Defendants.

) Case No. C03-05521WDB

) **STIPULATION AND ORDER OF**
) **DISMISSAL PURSUANT TO FEDERAL**
) **RULE OF CIVIL PROCEDURE 41(a)(1)**

IT IS HEREBY STIPULATED by and between Plaintiff, NORTH AMERICAN
 CAPACITY INSURANCE ("NAC") and Defendants AMERICAN INTERNATIONAL
 SURPLUS LINES INSURANCE COMPANY and NATIONAL UNION INSURANCE
 COMPANY, by AIG Claim Services, Inc, by and through their undersigned counsel that the
 complaint of NAC, and all related causes of action, against AMERICAN INTERNATIONAL
 SURPLUS LINES INSURANCE COMPANY and NATIONAL UNION INSURANCE
 COMPANY, are hereby dismissed with prejudice pursuant to Federal Rule of Civil Procedure,
 Rule 41(a)(1).

1 As a result of a settlement reached between the parties, each side is to bear their own fees
2 and costs herein.

3 Dated: March 23, 2006

4 GILBERT, KELLY, CROWLEY & JENNETT LLP

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6 By: /S/

7 TIMOTHY KENNA, P.C.
8 Attorneys for Plaintiff
9 NORTH AMERICAN CAPACITY
INSURANCE CO. AS SUCCESSOR IN
INTEREST TO UNDERWRITERS
INSURANCE COMPANY

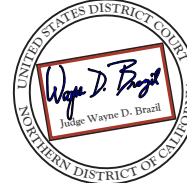
10 Dated: January 25, 2006

11 BRANSON, BRINKOP, GRIFFITH & STRONG, LLP

12
13 By: /S/

14 JOHN H. PODESTA
15 Attorneys for Defendant
16 NATIONAL UNION FIRE INSURANCE
COMPANY AND AMERICAN
INTERNATIONAL SPECIALTY LINES
INSURANCE COMPANY

17 IT IS SO ORDERED



18 Dated: April 3, 2006

19 By:

20 HONORABLE WAYNE D. BRAZIL
21 UNITED STATES MAGISTRATE JUDGE
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